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09/697,497	10/27/2000	Ronald Coleman	CITI0192-US	3524

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EXAMINER
AKINTOLA, OLABODE

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1   UNITED STATES PATENT AND TRADEMARK OFFICE
2   _____
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4   BEFORE THE BOARD OF PATENT APPEALS
5   AND INTERFERENCES
6   _____
7
8   *Ex parte* RONALD COLEMAN
9   _____
10
11   Appeal 2010-004097
12   Application 09/697,497
13   Technology Center 3600
14   _____
15
16   Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
17   ANTON W. FETTING, *Administrative Patent Judges.*
18   FETTING, *Administrative Patent Judge.*

19   DECISION ON APPEAL[1]

STATEMENT OF THE CASE[2]

Ronald Coleman (Appellant) seeks review under 35 U.S.C. § 134 (2002) of a final rejection of claims 1-9, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

The Appellant invented a way of measuring financial risks associated with trading portfolios (Specification 1:6-9).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

1. A method for identifying plausible sources of error in a risk assessment system, comprising:

[1] identifying at least one variable of the risk assessment system;

[2] determining a first hypothesis about the at least one variable;

[3] providing an initial probability of the first hypothesis about the at least one variable;

[4] identifying a change of value in the at least one variable of the risk assessment system;

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[2] Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed June 29, 2009) and Reply Brief ("Reply Br.," filed December 15, 2009), and the Examiner's Answer ("Ans.," mailed October 15, 2009).

[5] determining by probabilistic induction at least one cause of the change of value in the at least one variable of the risk assessment system, wherein the at least one cause is a plausible source of error; and

[6] evaluating the initial probability of the first hypothesis based on the at least one cause.

The Examiner relies upon the following prior art:

Dumais	US 6,192,360 B1	Feb. 20, 2001
Matthews, Jr.	US 6,526,358 B1	Feb. 25, 2003
Fogel	US 6,542,905 B1	Apr. 1, 2003

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Fogel, Matthews, and Dumais.

ISSUES

The issue of obviousness turns on whether Matthews evaluates the initial probability of Fogel's first hypothesis based on at least one cause.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

Facts Related to the Prior Art

Fogel

01. Fogel is directed to identifying data integrity issues and showing how they can be resolved. Fogel 3:33-36.

02. Data integrity issues are patterns of items that could not result from accurate assessment or are unlikely to arise. Fogel 5:41-49.

1   03.   Fogel describes some of the emergent patterns that would

2   suggest data validity or integrity in columns 5 and 6.

3   04.   Fogel describes some of the tests used to discern such emergent

4   patterns at columns 9 and 10.

5   *Matthews*

6   05.   Matthews is directed to an automated computer based data

7   integrity auditing system. Matthews 2:1-17.

8   06.   Matthews describes the use of a hypothesis tester with a

9   Bayesian likelihood ratio test to determine when an alternate

10   hypothesis becomes more likely. Matthews 6:19-27.

11   *Dumais*

12   07.   Dumais is directed to determining whether an object belongs to

13   a particular category. Dumais 1:7-9.

14   08.   Dumais describes how Bayesian networks operate. Dumais

15   3:35 – 4:42.

16   ANALYSIS

17   We are unpersuaded by the Appellant's argument that the art fails to

18   describe limitation [6] of evaluating the initial probability of the first

19   hypothesis based on the at least one cause. Appeal Br. 2-3.

20   Basically, Fogel describes a mechanism for evaluating data integrity (FF

21   01). The fundamental assumption is there are no data integrity issues until a

22   pattern suggesting such an issue arises. FF 02 and 03. So, Fogel identifies

23   its data as a set of variables whose risk of data integrity is to be assessed, and

the patterns that data presents. Fogel's first hypothesis is that there are no data integrity problems. The probability is exactly 100% until a pattern suggesting otherwise emerges. The patterns that emerge from such data are monitored and a pattern change that suggests data integrity issues are identified. So far, Fogel describes limitations [1]-[4]. Now Fogel tests the data to determine the likely cause of the emergent pattern. FF 04. Fogel leaves the implementation details to one of ordinary skill.

To describe how one of ordinary skill would have tested the data in Fogel, the Examiner cited Matthews which show the use of a hypothesis tester with a Bayesian likelihood ratio test to determine when an alternate hypothesis becomes more likely. FF 06. Thus, Matthews describes how one of ordinary skill would have implemented Fogel's test to perform limitation [5]. So far, none of these limitations are under contention.

Limitation [6] under contention requires evaluating the initial probability of the first hypothesis. The Appellant has not limited the manner of evaluation, as the Examiner found at Ans. 6. Matthews clearly performs such an evaluation when it selects an alternate hypothesis, which implicitly rejects the first hypothesis. The Examiner brought in Dumais to clarify the nature of Matthews' Bayesian test. FF 08. The Appellant argues that Matthews selects a hypothesis. Reply Br. 4. As may be, but Matthews' selection implicitly evaluates the initial hypothesis in so doing.

CONCLUSIONS OF LAW

Rejecting claims 1-9 under 35 U.S.C. § 103(a) as unpatentable over Fogel, Matthews, and Dumais is not in error.

DECISION

To summarize, our decision is as follows.

- The rejection of claims 1-9 under 35 U.S.C. § 103(a) as unpatentable over Fogel, Matthews, and Dumais is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

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